

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JACKSON CARRAON VILLARTA,)	
)	No. C 03-00786 JW (PR)
Petitioner,)	
)	ORDER DENYING MOTION FOR
vs.)	CERTIFICATE OF APPEALABILITY
)	
ANTHONY A. LAMARQUE,)	
Warden,)	(Docket No. 52)
Respondent.)	
_____)	

Petitioner has filed a second notice of appeal under 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). Petitioner's request for a certificate of appealability (Docket No. 52) is DENIED as moot. The Court denied petitioner's first request for a certificate of appealability by order filed October 12, 2007 (Docket No. 49), because petitioner did not make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner did not demonstrate that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The clerk shall forward to the Court of Appeals the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

DATED: February 28, 2008


JAMES WARE
United States District Judge